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 (FORM UPDATED: 08/11/2010)

WISCONSIN STATE LEGISLATURE ... PUBLIC HEARING - COMMITTEE RECORDS

2005-06

(session year)

Senate

(Assembly, Senate or Joint)

**Committee on Judiciary, Corrections and
Privacy...**

COMMITTEE NOTICES ...

- Committee Reports ... **CR**
- Executive Sessions ... **ES**
- Public Hearings ... **PH**

INFORMATION COLLECTED BY COMMITTEE FOR AND AGAINST PROPOSAL

- Appointments ... **Appt** (w/Record of Comm. Proceedings)
- Clearinghouse Rules ... **CRule** (w/Record of Comm. Proceedings)
- Hearing Records ... bills and resolutions (w/Record of Comm. Proceedings)
 - (**ab** = Assembly Bill) (**ar** = Assembly Resolution) (**ajr** = Assembly Joint Resolution)
 - (**sb** = Senate Bill) (**sr** = Senate Resolution) (**sjr** = Senate Joint Resolution)
- Miscellaneous ... **Misc**

* Contents organized for archiving by: Stefanie Rose (LRB) (July 2012)

Senate

Record of Committee Proceedings

Committee on Judiciary, Corrections and Privacy

Senate Bill 403

Relating to: carrying a concealed weapon, possessing or transporting a firearm under certain circumstances, background checks for handgun purchases, photographic identification cards for retired law enforcement officers, requiring the exercise of rule-making authority, providing an exemption from rule-making authority, and providing penalties.

By Senators Zien, S. Fitzgerald, Breske, Brown, Grothman, Kanavas, Kedzie, A. Lasee, Leibham, Reynolds, Roessler, Schultz and Stepp; cosponsored by Representatives Gunderson, Suder, Pettis, Albers, J. Fitzgerald, Freese, Gundrum, Hahn, Hines, Hundertmark, Kestell, Kleefisch, Krawczyk, F. Lasee, LeMahieu, Loeffelholz, Lothian, McCormick, Mursau, Musser, Nass, Nischke, Owens, Petrowski, Pridemore, Schneider, Strachota, Towns, Van Roy, Vos, Vrakas and Jensen.

October 24, 2005 Referred to Committee on Judiciary, Corrections and Privacy.

November 2, 2005 **PUBLIC HEARING HELD**

Present: (5) Senators Zien, Roessler, Grothman, Taylor and Risser.
Absent: (0) None.

Appearances For

- Dave Zien — Senator, 23rd Senate District
- Scott Gunderson — Representative
- Suzanna Gratia-Hupp, Kempner
- Vince Coletti, Mequon
- Sandy Merett, Milwaukee
- Darren La Sorte, Fairfax — NRA
- Massad Ayoob, Grantham
- Maya Cole, Madison
- Larry Gleasman, Madison
- Jim Fendry, Greendale — Wisconsin Pro-Gun Movement
- Art Seidel, Brookfield — Wisconsin Wildlife Federation
- Tom Bice
- Carroll Marquardt, Middleton
- Ronald Jeka, Ft. Atkinson
- Anthony Plack

- Matthew Slavik, Brookfield
- James Tjraun, Milwaukee
- Erwin Von der Ehe, Waukesha
- Gene German, Shorewood
- Thomas Czechorski, Union Grove
- Gert Grohmann, Shorewood
- Julie Vance, Milwaukee
- Kimberly Graff, Green Bay — Wisconsin Gun Owners
- Buster Bachhuber, Wausau
- Jeff Nass, Pulaski — Nass's Martial Arts America
- Miles Littlefield
- Doris Ellison, Willard
- Auric Gold, Madison
- Tom Hennessy, Appleton
- John Stoltenberg, Elkhart Lake
- Paul Lembrich, Janesville
- Joshua Tilley, Stoughton
- Amanda Wittlieff, West Allis
- Robert Clampitt, Cross Plains
- Mary Dial, DeForest
- Kristin Halverson, Monona
- Craig Wroten, Milwaukee
- Bob Seitz, Monticello — Sporting Heritage Inc.
- Arnold Harris, Mount Horeb

Appearances Against

- Jeri Bonavia, Milwaukee — WAVE
- Doug Pettit, Oregon — Wisconsin Chiefs of Police Association
- Anna Puzinski, Milwaukee — Milwaukee Police Department
- Glen Jones, Germantown — Wisconsin Troopers Association
- Denny Kruger, Oregon — Wisconsin Troopers Association
- Anna Fuelleman, Madison
- Peter Bakken, Sun Prairie — Wisconsin Council of Churches
- Mike Murray, Madison — Wisconsin Coalition Against Sexual

Assault

- Patti Seger, Madison — Wisconsin Coalition Against Domestic Violence
- Debra Fifer, Milwaukee — Mothers Against Gun Violence
- Ryan Kulik, Milwaukee — WAVE
- Heidi Rose, Milwaukee — WAVE
- Ann Frisch, Oshkosh — DR
- Meagan Yost, Poynette

- Andrea Kaminski, Madison — League of Women Voters
- Dolores Lillger, Madison
- Joanne Kirby, Merrill
- Pete Karas, Racine
- Mike Roberts, Madison — Department of Justice
- Emily Hynek, Eau Claire — NASW - Wisconsin
- Anne Edwardson, Madison
- Ken Schmidt, Milwaukee
- Lou Wilczynski, Madison — Department of Justice

Appearances for Information Only

- Margaret Kelsey, Racine — Modine Manufacturing Company
- Tim Lyke, Ripon — Ripon Commonwealth Press
- Pete Christianson, Madison
- John Laabs, Madison — Wisconsin Broadcasters Association
- Jean Damm, Pardeeville
- John Voelker, Madison — Director of State Courts
- Morna Foy, Madison — Wisconsin Technical College System
- Richard Withers, Milwaukee
- Steve Kestell, Elkhart — Representative

Registrations For

- Ron Brown — Senator
- Tom Reynolds — Senator, 5th Senate District
- Ted Kanavas, Madison — Senator, State Senator
- Max Hebert, Altoona
- Joseph Polacek, Windsor
- Stanley McCredie, Madison
- Leah Vukmir — Representative, 14th Assembly District
- James Giles, Kenosha
- James Gile Jr., Kenosha
- Aaron Kippley, Sauk City
- Marjorie Moorhouse, Antigo — Langlade County Republican

Women

- Gary Strasser, Deerbrook — Northwoods Adventures
- Carol Strasser, Deerbrook
- Joe Leibham — Senator
- Renee Grabowski, Franklin
- Tom Bates, Monona
- Brian Gabowski, Franklin
- Alan Lasee, Madison — Senator
- Marvin Munyon, Watertown — Wisconsin Capitol Watch

- John Ruck, Madison
- Simon Cope, Fitchburg
- DJ Heinke, Madison — CC Riders
- Joel Kleefisch — Representative
- Wayne Vawter, Lebanon
- Michael Litscher, Brown Deer
- J.D. Belongia, Milwaukee
- Nathan Berken, Sun Prairie
- Richard Baker, Greenfield
- Perry Wittlieff, Caledonia
- Tom Hanson, Madison
- Jeff Niles, Milton
- John Niles, Janesville
- Timothy Anderson, East Troy
- Jim Burgess, Watertown
- Brian Lange, Manitowoc
- Cathy Stepp, Madison — Senator, 21st Senate District
- William Lange, Manitowoc
- Tim Grant, Richfield
- William Schmitz, Redgranite
- Debra Schmitz, Redgranite
- Michael Schlick, Black Earth
- Henry Rahr, Green Bay
- Josh Johanningmeier, Madison
- Rol Church, Wautoma
- Rick Ingle, Janesville
- Chuck Roamer, Mukwonago
- Andrew Vissers, Fon du Lac
- Alan Mundt, Janesville
- Penney Hill Mundt, Janesville
- Gail Pepin, Rosemont
- Ronnie Casper, Hixton
- Lori Casper, Hixton
- Ed Horzewski, Iron Ridge
- Winston Lathrop, Madison
- Doug Klitzkie, Madison
- Norm Sannes, Madison
- Mike Ostrander, Appleton
- Romain Rote, Madison
- Carl Eichenauer, Appleton
- Joseph Samolyk, Milwaukee
- Roger Breske — Senator, 12th Senate District

- Ron Johnson, Wisconsin Rapids
- Ronald Schultz
- Ken Byrne, Marshall
- Robin Vos — Representative
- Raymond Gwinn, Wisconsin Rapids
- Russ Ellison, Willard
- Al Phelan, Madison — Wisconsin Conservation Congress
- LeRoy Smail, Madison
- Stuart Strickler, Williamstown
- Tom Nordwig, Green Bay
- Anthony Hamilton, Brooklyn
- Joe Handrick, Madison — Wisconsin Bear Hunters Association
- Mark Pettis — Representative
- Hugh Davis, Hartland
- Joan Maynard, Madison
- Cindy Fesemyer, Madison
- Sheryl Albers — Representative
- Neal Kedzie, Madison — Senator
- George Meyer, Madison — WI Wildlife Federation
- Tricia Sieg, Madison
- Dan LeMahieu — Representative
- J.A. Hines — Representative
- Terri McCormick, Madison — Representative
- Jeff Mursau, Crivitz — Representative, 36th Assembly District
- Gabe Loeffelholz — Representative
- Tom Lothian — Representative
- Jean Hundertmark, Clintonville — Representative
- Bob Welch — Wisconsin Bear Hunters
- Don Pridemore — Representative
- Steve Nass, Whitewater — Representative
- Ann Nischke — Representative, 97th Assembly District
- William Ward, Milwaukee — Milwaukee Police Association
- Eugene Hahn, Madison — Representative, 47th Assembly District
- Jeff Wood, Madison — Representative

Registrations Against

- Alfred Meyer, Madison — Physicians for Social Responsibility
- Mary Bowman, Madison
- Sarah Diedrick-Kasdorf, Madison — Wisconsin Counties Association
- Kathryn Derene, Madison
- Bill Wacters, Madison

- Mindy Molec, Madison
- Margaret Lewis, Madison — UW System
- Jodi Bloch, Madison — Wisconsin Hospital Association
- Julie Swiderski, Milwaukee — Covenant Healthcare System
- Brad Karas, Racine
- Curt Witynski, Madison — League of Wisconsin Municipalities
- Jack O'Meara, Madison — Professor Inc. (Faculty at UW-Madison)
- Elizabeth Elwart, Madison
- Erin Bishop, Madison
- Lauren Rauk, Madison
- Chris Taylor, Madison — Planned Parenthood of Wisconsin
- Sara Finger, Madison
- Lisa Marowey, Madison — UW-Health
- Judy Skog, Madison
- Michael Blumenfeld, Madison — WI Jewish Conference
- Paula Simon, Milwaukee — Milwaukee Jewish Council for Community Relations
- Julie Worzala, Madison
- Sherman Hill, Milwaukee
- Lindsay Klaas, Madison
- Kathleen Falk, Madison — Dane County Executive
- Jeff Lorentz, Madison — Wisconsin State Patrol
- Barbara Sella, Madison — Wisconsin Catholic Conference
- Michael Serpe, Kenosha — County of Kenosha
- Michael Miller, Milwaukee — City of Milwaukee
- Mark Wadjum, Appleton — Outagamie County
- Anthony Korls, Poynette
- April Scheider, Madison
- Amy Schulz, Madison — Physicians for Social Responsibility
- Katie Walby — SC Johnson
- Lisa Fuelleman, Mt. Horeb
- David Steffenson, Madison — Rev., Upstream Institute for Ecological Ethics
- Ed Huck, Madison — Wisconsin Alliance of Cities
- Nicole Morales, Janesville — Alternatives to Violence
- Michelle Hubbard, Merrill
- Lindsay Quaintance, Merrill — HAVEN
- Vicki Berenson, Madison
- Jen Rubin, Madison
- Mary Jo Vandelyne, Monona
- Janie Ocejó, Madison

- Michelle Zallar, Sun Prairie
- Jeremy Levin — Wisconsin Medical Society
- Bob Wierenga, Delavan — Wisconsin County Police Association
- Diane Wolff, Madison
- John Keckhaver, Madison
- Joann Pritchett, Madison
- Jon Peacock, Madison
- Wendy Henderson, Madison
- Aubrie Divine - Scott, Madison
- Jill Jacklitz, Madison
- Charity Elesn, Middleton
- Michael Walsh, Madison — WEAC
- Choral Rae Choinski, Madison
- James Kleinschmidt, Fitchburg
- Michelle Mettner, Madison — Association of State Prosecutors
- John Burr — Association of State Prosecutors
- Linda Kleinschmidt, Madison — Wisconsin Council on Children
& Families
- Karen Richardson, Madison
- Marilee Harrison, Madison
- Marc Herstand, Madison — ~~N~~ational Association of Social
Workers
- Margaret McCullough, Mt. Calvary — Friends Aware of Violent
Relationships
- Barbara Toles, Milwaukee — Representative, 17th Assembly
District

November 10, 2005 **EXECUTIVE SESSION HELD**

Present: (5) Senators Zien, Roessler, Grothman, Taylor and Risser.
Absent: (0) None.

Moved by Senator Roessler, seconded by Senator Zien that **Senate
Substitute Amendment 1** be recommended for adoption.

Ayes: (3) Senators Zien, Roessler and Grothman.
Noes: (2) Senators Taylor and Risser.

**ADOPTION OF SENATE SUBSTITUTE AMENDMENT 1
RECOMMENDED, Ayes 3, Noes 2**

Moved by Senator Grothman, seconded by Senator Roessler that **Senate Bill 403** be recommended for passage as amended.

Ayes: (3) Senators Zien, Roessler and Grothman.

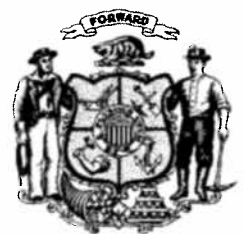
Noes: (2) Senators Taylor and Risser.

PASSAGE AS AMENDED RECOMMENDED, Ayes 3, Noes 2

Brian Deschane
Committee Clerk



WISCONSIN STATE LEGISLATURE



- I. Call to order, the committee will now hold an **EXECUTIVE SESSION**.
- II. Clerk call the roll (hold open)
- III. **EXECUTIVE SESSION**

- **RELATING TO:** carrying a concealed weapon, possessing or transporting a firearm under certain circumstances, background checks for handgun purchases, photographic identification cards for retired law enforcement officers, requiring the exercise of rule-making authority, providing an exemption from rule-making authority, and providing penalties.

We had a public hearing on SB 403 on November 2, 2005. We have a substitute amendment which was distributed before the committee meeting.

- ☐ DISCUSSION
- ☐ The Chair will entertain a motion for **ADOPTION** of Senate Substitute Amendment 1.
moved by Roess seconded Zien 3-2
- ☐ Roll Call
- ☐ Discussion
- ☐ The Chair will entertain a motion for **PASSAGE** of **SB 403** as **AMENDED** by SSA 1, moved by Senator groth, seconded by Senator Roess.
- ☐ Roll Call *3-2, Partyline*
- ☐ Announce the vote and hold the roll open (if members are absent)

- **AB 48** RELATING TO: use of, and possession with intent to use, certain drug paraphernalia and providing a penalty.

We had a public hearing on AB 48 on June 9. AB 48 passed the Assembly 83-15.

- ☐ DISCUSSION
- ☐ The Chair will entertain a motion for **CONCURRENCE** of **AB 48**, moved by Senator Roess, seconded by Senator Zien.
- ☐ Roll Call *3-2 partyline*
- ☐ Announce the vote and hold the roll open (if members are absent)

IV. Adjourn Executive Session

****WE WILL NOW MOVE TO A PUBLIC HEARING****







WISCONSIN LEGISLATIVE COUNCIL

*Terry C. Anderson, Director
Laura D. Rose, Deputy Director*

TO: SENATOR DAVID ZIEN
FROM: Anne Sappenfield and Ronald Sklansky, Senior Staff Attorneys
RE: Senate Substitute Amendment __ (LRBs0295/1) to 2005 Senate Bill 403, Relating to Carrying a Concealed Weapon
DATE: November 9, 2005

Senate Substitute Amendment __ (LRBs0295/1) to Senate Bill 403 makes the following changes to the bill:

Information on License Application

The bill requires the Department of Justice (DOJ) to design an application form for use by individuals who apply for a license and a renewal form for individuals to renew a license. The form must require the applicant to provide only his or her name, address, date of birth, race, sex, height, weight, and hair and eye color.

The substitute amendment provides that the forms must also require the applicant to provide his or her state identification card number, which is the number assigned to the person on his or her driver's license or state identification card.

Notarized Statement

The bill requires a person who is applying for a license to submit a notarized statement that states that the information in the person's license application form and any document submitted with the application is true and complete to the best of the person's knowledge.

The substitute amendment provides that, before a person submits an application for a license, the person must display a valid driver's license or state identification card to the notary who is to notarize the statement. Before notarizing that statement, the notary must verify the person's identity using that document or card and verify that the name and the state identification card number listed on the license or identification card are the same as the name and state identification card number listed on the application.

Persons With Severe Physical Disability

Under ***the bill***, a person may not be issued a license if the person has a severe physical disability that prevents him or her from safely handling a weapon and that, if the individual were handling a weapon, would cause the individual to pose a significant public safety risk. The bill requires DOJ to make this determination and to promulgate rules specifying the procedures and definitions that it is required to apply when determining whether an individual is ineligible for a license because he or she has a severe physical disability.

Under ***the substitute amendment***, DOJ must design a form for use by persons providing firearms training that includes a box for the trainer to check to indicate that a person is eligible because he or she does not have a severe physical disability, as defined in the bill. DOJ may determine that a person is ineligible for a license based upon a severe physical disability only if the application form that the person submits does not indicate that the person is eligible. DOJ may override an indication that a person is not eligible due to a disability. Also, under the substitute amendment, this eligibility criterion does not apply to a person who is a certified instructor of a firearm training or firearm safety course or class.

Firearms Training

The bill requires a person applying for a license to have successfully completed a firearm training or firearm safety course or class that meets specifications under the bill; to have participated in organized shooting competitions or military, law enforcement, or security training that is substantially equivalent; or to be a certified instructor of a firearm training or firearm safety course or class.

The substitute amendment provides that a firearm training or firearm safety course or class must be conducted by an instructor certified by the state in which the course or class was conducted or by a national or state organization that certifies firearms instructors.

The substitute amendment also provides that DOJ may not specify the number of hours of instruction that a course or class must provide, either in the aggregate or with respect to any of the individual topics required to be covered.

Convictions of Offenses Relating to License

Under ***the bill***, a person does not qualify for a license if he or she was convicted of submitting an intentionally false notarized statement with his or her license application or renewal form or intentionally making a false statement to DOJ in requesting or in connection with the issuance of an emergency license; intentionally failing to notify DOJ within 10 days after being charged under federal law or the law of another state with any crime or any drunk driving offense; or intentionally failing to relinquish or deliver a license document to DOJ after the person's license has been suspended or revoked.

The substitute amendment provides that such an offense must have occurred within the preceding three years in order for a person to be ineligible for a license.

Emergency License

Under ***the bill***, unless DOJ knows that a person is not qualified for a license, DOJ ***may*** issue a license to an individual who has not met the training requirements if DOJ determines that immediate licensure is warranted to protect the individual from death or great bodily harm.

Under ***the substitute amendment***, DOJ is ***required*** to issue an emergency license to a person if DOJ determines that immediate licensure is warranted to protect the individual from death or great bodily harm. Also, under the substitute amendment, if the person requesting an emergency license has obtained a domestic abuse or harassment temporary restraining order or injunction, DOJ must presume that immediate licensure is warranted to protect the individual from death or great bodily harm.

Appealing DOJ Determinations

The bill provides that a person aggrieved by an action by DOJ denying an application for a license, suspending or revoking a license, or denying certification of an instructor may appeal directly to the circuit court of his or her county.

The substitute amendment requires DOJ to promulgate rules providing for the review of any action denying an application, suspending or revoking a license, or denying certification of an instructor. A person may appeal such an action by DOJ to the circuit court, but only if the person has completed the DOJ review process.

Trespass by Going Armed in a Part of a Nonresidential Building

The bill amends current trespass law to provide that a person who, while armed with a concealed weapon, enters or remains in any part of a nonresidential building that the person does not own or occupy after the owner of the building, if he or she has not leased it to another person, or the occupant of the building has notified the person not to enter or remain in the building while going armed with a concealed weapon or with that type of concealed weapon is subject to a Class B forfeiture (a forfeiture not to exceed \$1,000).

The substitute amendment provides that a person may not enter or remain in any part of a nonresidential building, while armed with a concealed weapon, after the owner or occupant of ***that part of the building*** has notified the person not to enter or remain in ***that part of the building*** while going armed with a concealed weapon or with that type of concealed weapon.

Effective Date

Under ***the bill***, the effective date of the legislation is the first day of the second month beginning after publication.

The substitute amendment provides that the effective date is the first day of the fourth month beginning after publication.

AS:RS:ksm:rv:wu